

REMARKS

Claims 1-4, 6-29, 32-37 and 39-41 are pending with claims 1, 16, 24 and 32 being independent. Claims 1, 16, 24 and 32 have been amended. In view of the amendment and remarks below, reconsideration and allowance of all pending claims are requested.

35 U.S.C. 103(a) Rejections

Claims 1-4 and 6-23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the combination of U.S. Patent Application No. 2003/0003933 to Deshpande ("Deshpande") and U.S. Patent Application Publication No. 2003/0032417 to Minear et al. ("Minear").

Independent Claim 1 and its dependent claims

While not agreeing with the Office, independent claims have been amended to expedite the prosecution of the present application. In particular, claim 1 recites in part, "receiving a request from the mobile device for choices of available service providers and associated mobile service subscription choices that include at least a choice of mobile calling plan." (Emphasis added.)

As described in the previous response, the present application is directed to providing a user with the ability to choose a service provider and associated mobile service subscription from the user's mobile device to initiate or modify the selected subscription. In this way, the user is not limited to a particular service provider, and the user does not need to physically go to the service provider or call the service provider in order to initiate a service subscription. The user is able to receive choices of service providers and associated service subscriptions on his/her mobile device, make the selection of at least one service provider and at least one associated subscription service, and activate the selected service subscription associated with the selected service provider from the mobile device.

The proposed combination of Deshpande and Minear fails to disclose each and every feature of amended claim 1. In particular, the proposed combination fails to teach or suggest the claimed "receiving a request from the mobile device for choices of available service providers

and associated mobile service subscription choices that includes at least a choice of mobile calling plan" as recited in claim 1.

Deshpande discloses using a mobile device to scan for wireless network access points or "hot spots." (See, e.g., Deshpande at ¶ [0008], ll. 1-23.) Thus, Deshpande is limited to providing network access services. The system in Deshpande does not offer at least a choice of mobile calling plan because the described hot spots are not designed to provide calling plan options. The addition of Minear fails to alleviate the deficiencies of Deshpande.

Minear is directed to a system for the "deletion and reloading of software application components on a wireless device." (See Minear at ¶ [0023], ll. 1-4.) The system in Minear deletes and reloads the software application components to provide an "efficient usage of the wireless device system resources such that the user can have ready access to a larger amount of executable software applications that can be completely stored on the wireless device." (See Minear at ¶ [0016], ll. 11-19. Emphasis added.) These software applications of Minear fail to provide choices that include at least a choice of mobile calling plan as recited in claim 1.

In addition, the system in Minear is directed to controlling wireless device system resources, and it is unclear as to how such resources controlling in Minear is related to sending [any] data to the mobile device relating to identification of the available service providers and the associated mobile service subscription choices as recited in claim 1. In fact, Minear is silent as to any choices of service providers and associated subscription choices being sent to a mobile device.

Further, a user of the wireless device in Minear would reasonably have had to purchase a qualifying mobile service subscription including a calling plan, from *an already selected wireless service provider* that allows the wireless device to access the internet or other resources *before* a desired software application can be downloaded. Since the choice of a subscription in Minear presumably already has been made (otherwise, the wireless device would not be authorized to download any software applications) before receiving the selected phone, the user cannot send a request from the phone for choices of service providers and associated subscription

choices or receive the choices of service providers and associated subscription choices on the mobile device, as recited in claim 1.

Thus, even if Deshpande and Minear could somehow be combined, the proposed combination still would fail to teach or suggest each and every feature of claim 1. Namely, the proposed combination still would fail to teach or suggest "receiving a request from the mobile device for choices of available service providers and associated mobile service subscription choices that include at least a choice of mobile calling plan" as recited in claim 1. (Emphasis added.)

For at least these reasons, claim 1 is allowable over the proposed combination of Deshpande and Minear. Claims 2-4 and 6-15, which depend from claim 1, are allowable over the proposed combination of Deshpande and Minear for at least the same reasons.

Independent claim 16 and its dependent claims

Claim 16 is allowable over the proposed combination of Hoffman and Minear for at least reasons similar to claim 1. Claims 16-23 stand depend from claim 16, and are allowable for at least the same reasons.

Claims 24-29, 32-37 and 39-41:

Claims 24-29, 32-37 and 39-41 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the combination of Minear and Deshpande.

Claim 24 is allowable over the proposed combination of Minear and Deshpande for at least reasons similar to claim 1 above. Namely, the proposed combination fails to teach or suggest at least the claimed "receiving a request from the mobile device for choices of available service providers and associated mobile service subscription choices that include at least a choice of mobile calling plan" as recited in claim 1. (Emphasis added.) Claims 25-29 depend from claim 24 and are allowable for at least the same reasons.

Claim 32 is allowable over the proposed combination of Minear and Deshpande for at least reasons similar to claim 1 above. Claims 33-37 and 39-41 depend from claim 32 and are allowable for at least the same reasons.

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No fees are believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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